

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MATTHEW LYNCH,	:	
	:	
Plaintiff,	:	Civ. No. 18-5398 (RBK) (MJS)
	:	
v.	:	
	:	
OFFICER A. HALE (FNU), et al.,	:	MEMORANDUM & ORDER
	:	
Defendants.	:	
	:	

Plaintiff is proceeding *pro se* with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. (*See* ECF 1). Plaintiff paid the applicable filing fee. The complaint names two Defendants, Officer A. Hale and Warden Geraldine Cohen of the Atlantic County Justice Facility (“AJCF”). On April 5, 2019, this Court screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A and permitted Plaintiff’s complaint to proceed against Defendants Hale and Cohen. (*See* ECF 6). Plaintiff was sent USM-285 Forms so that the United States Marshals could effectuate service on the two Defendants. To date, Plaintiff has never returned the USM-285 forms.

This Court’s screening order was returned to this Court as undeliverable on Plaintiff at his address of record. (*See* ECF 8). Accordingly, this Court administratively terminated this action for Plaintiff’s failure comply with Local Civil Rule 10.1 to keep his address of record updated. (*See* ECF 10).

Subsequently, Petitioner updated his address and sought to reopen this action. (*See* ECF 14, 15, 18). On January 7, 2022, this Court granted Plaintiff’s motion to reopen. (*See* ECF 19). In February, 2022, Plaintiff filed a motion to amend his complaint. (*See* ECF 22). On March 30, 2022, this Court denied Plaintiff’s motion to amend his complaint without prejudice, but also re-administratively terminated this action as, once again, mail sent to Plaintiff by the Clerk was

returned to this Court as undeliverable. (*See* ECF 25). Thereafter, Plaintiff updated his address (*see* ECF 26) and this Court reopened this case. (*See* ECF 28).

Presently pending before this Court is Plaintiff's motion to reopen. (*See* ECF 32). Given that this case has already been reopened, that motion will be denied as unnecessary.

To date, Plaintiff has still not submitted the USM-285 forms so that service can be effectuated against the two named Defendants in his original complaint, Hale and Cohen. This Court will give Plaintiff one final opportunity to submit these forms so that service can be effectuated by the United States Marshals.

Accordingly, IT IS on this 4th day of January, 2023,

ORDERED that Plaintiff's motion to reopen (ECF 32) is denied as unnecessary as this case is already open; and it is further

ORDERED that the Clerk shall provide to Plaintiff another transmittal letter explaining the procedure for completing United States Marshal ("Marshal") 285 Forms ("USM-285 Form") for Defendants Hale and Cohen; and it is further

ORDERED that Plaintiff shall complete the USM-285 forms for Defendants Hale and Cohen and return them to the Clerk of Court, Mitchell H. Cohen Building & U.S. Courthouse, 4th and Cooper Streets, Camden, NJ 08101; and it is further

ORDERED that upon Plaintiff sending the completed USM-285 forms to the Clerk, the Clerk shall issue summons, and the United States Marshal shall serve a copy of the complaint, summons and this Court's screening order (ECF 6) upon Defendants Hale and Cohen pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States¹; and it is further

¹ Alternatively, the United States Marshal may notify Defendants that an action has been commenced and request that the Defendant waive personal service of a summons in accordance with Federal Rule of Civil Procedure 4(d).

ORDERED that Defendants Hale and Cohen shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12; and it is further

ORDERED that the Clerk shall serve a copy of this order on Plaintiff by regular U.S. mail.

DATED: January 5, 2023

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge